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WISCONSIN
ARCHITECT

THIS whole nation of one hundred thirty million free men, women and children is becoming a great fighting force. Some of us are soldiers or sailors, some of us are civilians. Some of us are fighting the war in airplanes five miles above the continent of Europe or the islands of the Pacific --- and some of us are fighting it in mines deep down in the earth of Pennsylvania or Montana. A few of us are decorated with medals for heroic achievements, but all of us can have that deep and permanent satisfaction that comes from doing the best we know how --- each of us playing an honorable part in this great struggle to save our democratic civilization.

FRANKLIN D. ROOSEVELT.

(From the President's Address of October 12, 1942.)

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L-41, AS AMENDED SEPTEMBER 2, 1942

(Corrected Copy)

PART 1075—CONSTRUCTION

(Conservation Order L-41 as Amended September 2, 1942)

Conservation Order L-41¹ as heretofore amended is hereby
amended to read as follows:

§ 1075.1 *Conservation Order L-41—(a) Definitions.* For
the purpose of this order:

(1) "Person" means any individual, partnership, associa-
tion, business trust, corporation, governmental corporation or
agency, or any organized group of persons, whether incorporated
or not.

(2) "Construction" means the erection, construction, remodel-
ing or rehabilitation of any building, structure or project, or
additions thereto or extensions or alterations thereof, but not in-
cluding maintenance or repair as defined in paragraphs (a) (10)
and (a) (11) below.

(3) "Residential construction" means any construction where
the principal designed function of the building, structure or project
is or will be to provide living space or accommodations.

(4) "Multiple residential construction" means any residential
construction where the principal designed function of the building,
structure or project is or will be to provide living space or accom-
modations for more than five families, or which is divided or to be
divided into more than five suites.

(5) "Agricultural construction" means any construction, other
than residential construction, where the principal designed function
of the building, structure or project is or will be the production
of agricultural products including, but not limited to, those produced
by farmers, planters, ranchmen, dairymen, poultrymen, or nut or
fruit growers.

(6) "Industrial construction" means any construction where
the principal designed function of the building, structure or project
is or will be the manufacture, processing or assembling of goods or
materials.

(7) "Other restricted construction" means any construction,
other than residential, multiple residential, agricultural, or industrial
construction, including, but not limited to, commercial, highway,
roadway, sub-surface, and utilities construction, whether publicly
or privately financed.

(8) "Begin construction" means to initiate construction by
physically incorporating into any construction material which is
an integral part of the construction.

(9) "Cost" is meant to include the total cost of labor and
material, including equipment, architects', engineers', and contractors'
fees, insurance charges and financing costs.

(10) "Maintenance" means the upkeep of a building, struc-
ture or project in sound working condition.

(11) "Repair" means the restoration without change of de-
sign, of any portion of a building, structure or project to sound
working condition, when such portion has been rendered unsafe
or unfit for service by wear and tear or other similar causes, but not
including the construction or restoration of construction damaged
or destroyed by fire, flood, tornado, earthquake, act of God or the
public enemy.

(b) *Prohibited construction.* No person shall begin construc-
tion or order, purchase, accept delivery of, withdraw from inventory
or in any other manner secure or use material or construction plant
in order to begin construction, unless the construction is within one
of the following classes:

(1) The construction is to be the property of the Army or
Navy of the United States, the United States Maritime Commission,
Panama Canal, the Coast and Geodetic Survey, the Coast Guard,
the Civil Aeronautics Authority, or the Office of Scientific Research
and Development.

(2) The construction consists of any building, structure or
project which is used directly in the discovery, development or de-
pletion of mineral deposits.

(3) The construction is of a type subject to the provisions
of any order in the M-68 series (Part 1047) relating to the produc-
tion and distribution of petroleum. Any such construction is per-
mitted only to the extent authorized by the applicable order in the
M-68 series.

(4) The construction is of telephone facilities or equipment,
other than buildings, and is authorized or permitted under the terms
of Construction Order L-502 § 1095.1).

(5) The construction is of facilities, other than buildings, to
be owned by a producer as defined in Preference Rating Order P-463
(§ 978.1) pertaining to utilities and is to be used directly in pro-
viding one or more of the services set forth in paragraph (a) (1)
of said order.

(6) Agricultural construction of irrigation pipe lines or drainage tile drains in which no materials except earth or other unprocessed material and clay or non-reinforced concrete tile or pipe, not more than 12 inches in internal diameter are incorporated.

(7) The construction can be completed with materials which are either on hand or can be obtained without making application for priorities assistance and upon completion will not require the incorporation of any materials, on site or off site, to supply electric, gas, water, steam, telephone or sewage disposal service, and

(i) The construction is residential (but not multiple residential) or is specifically listed on Schedule B, attached hereto, and the estimated cost is less than \$200, or

(ii) The construction is multiple residential, agricultural, or other restricted construction, is not specifically listed on Schedule B, and the estimated cost is less than \$1,000, or

(iii) The construction is industrial, is not specifically listed on Schedule B, and the estimated cost is less than \$5,000, or

(iv) The construction is to reconstruct or restore residential (but not multiple residential) construction damaged or destroyed after December 31, 1941, by fire, flood, tornado, earthquake, act of God or the public enemy.

(8) (i) The construction is to reconstruct or restore agricultural construction damaged or destroyed after September 7, 1942, by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is determined by the United States Department of Agriculture, in accordance with such administrative procedures as may be from time to time prescribed, to be essential to the agricultural program, provided, that within two weeks of such determination Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section.

(ii) The construction is to reconstruct or restore industrial or other restricted construction damaged or destroyed after September 7, 1942, by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is necessary for the prosecution of the war or the protection of public health or safety, provided that within five days of the damage or destruction notice thereof is given by telegraph to the War Production Board setting forth (i) the cause of the damage or destruction, (ii) the function of the building, structure or project which has been damaged or destroyed, (iii) the type of construction, (iv) why immediate reconstruction or restoration is necessary, and (v) the estimated cost of reconstruction; and provided further, that within two weeks of the giving of such telegraphic notice, Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section.

Nothing contained in this subparagraph (8) shall be interpreted as a commitment that priorities assistance will be accorded to any particular construction authorized by the provisions of this subparagraph and the Director General for Operations may at any time either order said construction to cease or require any modification thereof that seems to him to be proper.

(9) The construction has been or is hereafter authorized by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations or the Director General for Operations of the War Production Board by the issuance of:

(i) One of the preference rating orders or certificates listed on Schedule A attached hereto, as that schedule may be amended from time to time, according priorities assistance to the construction; or

(ii) An order specifically authorizing the construction, *Provided, however,* That the exceptions set forth in paragraphs (b) (7) (i), (b) (7) (ii), and (b) (7) (iii) shall not be construed to authorize separate or successive construction operations the aggregate cost of which over any continuous twelve-month period exceeds the amount specified in the applicable paragraph for the particular building, structure or project; not including in said aggregate cost the cost of any construction thereon during said period authorized under the provisions of paragraph (b) (9).

(c) *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material or construction plant which he knows, or has reason to believe, will be used in violation of the terms of this order.

(d) *Further construction limitations.* Nothing in this order shall be construed to authorize the use or delivery of any material, or the application or extension of any preference rating, in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the Director of Priorities, Office of Production Management, or by the Director General for Operations.

(e) *Orders or certificates not constituting authorization.* The assignment of a preference rating by a PD-1, PD-1A, or other certificate, or by any order other than those listed in Schedule A, shall not constitute authorization to begin construction.



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Preference rating order	Type of construction	Application forms	Where filed
P-14-a, P-14-b	Shipyards and shipways	No form	Maritime Commission, Washington, D. C.
P-19, P-19-a	Buildings, structures and projects important to the war effort and essential civilian needs, other than housing.	No further application accepted under P-19 and P-19-a. Apply for P-19-h or P-19-i.	
P-19-d, P-19-g	Publicly financed housing	Application is made only by the federal agency principally interested in the construction.	
P-19-e	Public Roads	Application is made by or through the Public Roads Administration of PWA.	
P-19-h, P-19-i	Buildings, structures and projects important to the war effort and essential to civilian needs other than war housing.	Forms PD-200 and PD-200A.	With the field office of FHA having jurisdiction over the location of the site, or in such other place as may be prescribed.
P-41	Construction of air transport facilities.	See order	
P-55, P-55 amended	Privately financed war housing.	Form PD-105	
P-98	Construction related to petroleum enterprises as defined and limited therein.	See orders in M-68 series	With the field office of FHA having jurisdiction over location of the site.
P-10	Remodeling of housing in defense areas.	Form PD-406	With field office of FHA having jurisdiction over the location of the site.
Certificates PD-3A	PD-3, Principally buildings, structures and projects owned or to be owned by the Army, Navy or certain other governmental agencies.	Form PD-3A	With the contracting or procurement official having jurisdiction over the contract.

(f) *Applications for authority to begin construction.* (1) If the applicant requires priorities assistance for the proposed construction, an application shall be made for the appropriate preference rating order or certificate listed on Schedule A on the form referred to therein.

(2) Where the applicant does not require priorities assistance, application for the specific authorization to begin construction referred to in paragraph (b) (9) (ii) hereof may be made by filing Forms PD-200 and PD-200A, or such other forms as may hereafter be prescribed, together with a statement showing (1) that no priorities assistance is requested, (2) whether any previous application for authorization has been denied, and, if so, the reasons therefor, and (3) the total value of all construction on the particular building, structure or project in the preceding twelve-month period. Such forms or statements are to be filed with the field office of the Federal Housing Administration having jurisdiction over the location of the site, or in such other place as may be prescribed.

(3) In applying either for priority assistance or for authorization to begin construction, the applicant should also submit additional information as to the necessity for the proposed construction, any exceptional hardships which the restrictions of this order impose upon him, the effect on employment conditions if the application is denied, and any other pertinent facts.

(g) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(h) *Communications.* Applications, communications and reports under this order shall, unless otherwise directed, be addressed to, War Production Board, Washington, D. C. Ref: L-41.

Those relating to residential construction shall in addition be conspicuously marked "Res.", those relating to multiple residential construction "M. R.", those relating to agricultural construction, "Agr.", those relating to industrial construction, "Ind.", and those relating to other restricted construction, "O. R."

This Amendment shall become effective September 7, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

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Schedule A

The following Preference Rating Orders and Certificates are listed pursuant to paragraph (b) (9) (i) of the above order. A general description of the type of construction covered by each, the appropriate application form and where such form should be filed, are given solely for purposes of identification.

Schedule B

The following buildings, structures or projects are listed pursuant to paragraph (b) (7) (i) of the above order.

The building, structure or project has as its principal designed function:

(1) Public or private amusement, entertainment or recreation, with the exception of playgrounds for children.

(2) Occupancy by not more than five establishments selling or dispensing goods, merchandise, food or drink, or providing services.

(3) Use as a club, lodge, fraternity or sorority house, association, auditorium or assembly hall.

17 F.R. 2730, 3712, 3774, 4326, 5651.

27 F.R. 3029, 4202, 4272.

37 F.R. 2348, 4699, 5272, 5903.

*GPO—War Board 710—p. 1

*GPO—War Board 710—p. 2

L-41 AS AMENDED SEPTEMBER 2, 1942,

INTERPRETATION 1

PART 1075—CONSTRUCTION

(Interpretation 1 of Conservation Order L-41 as amended September 2, 1942)

The following official interpretation is hereby issued by the Director General for Operation with respect to § 1075.1, *Conservation Order L-41*.¹

(a) Paragraph (a) of Conservation Order No. L-41, as amended, places in different classes the construction of various buildings, structures or projects, and paragraph (b) (7) provides the limits within which the several classes of construction may be begun without authorization. Any building or structure shall be classified in accordance with such provisions unless it constitutes a part of a "project" as defined below, in which event the classification of the project shall control.

(b) The word "project" as used in paragraphs (a) (3), (a) (4), (a) (5), (a) (6), and (a) (7) in defining the classes of construction and as used elsewhere in the order, means all separate buildings, structures, or units of construction situated in close proximity to each other and integrated to serve a single general use; it does not mean a particular construction operation or job.

Generally speaking whether separate buildings, structures or units of construction together constitute a project depends upon the exact engineering, functional, and other phases of the particular construction involved. The fact that one or more buildings, structures, or units of a single project come within a class or classes of construction different from the class within which the project falls is of no consequence, inasmuch as the class within which the entire project

falls will be determined by its predominant designed use in accordance with paragraph (b) of Interpretation No. 1 of Conservation Order L-41 issued June 6, 1942. However, a separate building, structure, or unit of construction situated in close proximity to a project, whether of the same or different classification, is not part of said project, unless it is integrated to serve the same general use as said project.

In no case shall a single building or structure be subdivided into more than one project for the purpose of this Order.

(c) "Total cost of labor" as used in paragraph (a) (9) means (1) actual money outlay for labor employed in the construction; and (2) estimated value of all labor performed in the construction not entailing actual money outlay, excluding only the labor of an owner or tenant and members of the owner's or tenant's immediate family residing with him, on a building, structure or project owned or leased by him.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.C. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Laws 89 and 507, 77th Cong.) Issued this 5th day of September 1942.

AMORY HOUGHTON,

Director General for Operations.

(F.R. Doc. 42-8824; Filed, September 5, 1942; 11:27 a. m.)
17 F.R. 6958.

DRAFT PRICE CEILING ORDER GOVERNING ALL NON-WAR CONSTRUCTION WORK

The Office of Price Administration has finally settled on a draft of its proposed price ceiling on non-war construction. Recently it presented the draft for discussion to representatives of the construction industry.

The proposed order exempts construction contracts or sub-contracts entered into with the Army or Navy. In the case of such contracts, the contractor must file with OPA a statement that he has made no purchases at higher than ceiling prices. Other federal agencies, apparently, would be covered.

The ceiling price on construction work contracted

for on a cost-plus basis is set as follows: Actual cost of materials supplies; plus labor at the rates "in area of installation" as of last July 1; plus actual rentals paid for equipment; plus any other direct costs including sub-contracts; plus a mark-up to cover overhead, administrative, and supervisory costs and profit. If the contractor did any similar work between January 1, 1939 and March 31, 1942, the markup he may charge is the markup on the most recent such job. If he did no comparable work, the maximum markup is what he would have charged had he done comparable work—either on the basis of his own experience or, if this is lacking, that of the industry.

The ceiling price on contracts on a lump-sum or unit price basis, where the price is set in advance, is calculated in the same way as the cost-plus ceiling except that estimated instead of actual costs are used. At the end of the job, if the actual costs exceed the estimated cost, the OPA order would permit the contractor to charge the buyer, if the contract so provides, for the additional costs up to a maximum of 10%. If the excess is more than 10%, the contractor has to take the loss.

If, on the other hand, the actual costs prove less than estimated, the contractor must refund to the buyer 75% of the saving.

The proposed price order makes no provision for protecting existing contracts. Hence any construction work under way at the time the order went into effect would have to be re-priced in accordance with the order.

The order has not yet been formally issued, and it is of course possible that it will be substantially modified.

—Engineering News-Record.



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It defines softwood lumber as any sawed lumber (except shingles or lath) of any size or grade whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, or any species of softwood, but not including plywood, veneer or used lumber.

It assigns preference ratings for particular uses of lumber.

It restricts the delivery of lumber to what would be required for use within sixty days, except green lumber which is allowed an additional sixty days.

It places the division of all purchase orders in four classes, based on the relative essentiality of the use to war and civilian economies.

The building industry is most interested in Class B. Purchase orders for Class B are assigned a rating of A-1-A unless a higher rating is applied or extended under a preference rating or certificate.

Included in Class B are:

Defense projects and housing.

Buildings, structures and parts to replace those damaged by fire, flood, earthquake, tornado, act of God or the public enemy.

Buildings or structures required for storage of agricultural products of farmers, planters, rangers, dairymen or fruit growers, including shelters, barns, pens or sheds for livestock or poultry.

Buildings or equipment for operation of facilities for discovery development, depletion, smelting or refining of minerals other than gold or silver.

Railroad structures, including bridges, trestles and right of way.

A COURSE OF LECTURES ON THE FUNDAMENTALS OF INDUSTRIAL CAMOUFLAGE

Starting on October 12th, from 4 to 6 p. m. a series of ten (10) weekly lectures will be given at the Layton Art Gallery, 758 N. Jefferson Street, Milwaukee, Wisconsin, by Mr. John M. Greene, who attended the Camouflage School conducted by the United States Government at Fort Bevoir, Va., as a special representative appointed of the State of Wisconsin.

These lectures have primarily been planned for Industry and Architects. There is little doubt that this is an opportunity for the Architects that they should not miss. There is a special rate for this series to the Architect Profession.

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